



# WISCONSIN REGULATORY DIGEST

## A Publication of the EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS

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### Secretary Cummings' View of the Role of the Department

As Secretary of the Wisconsin Department of Regulation and Licensing, I am frequently asked for information about the department. I believe that it is useful from time to time to discuss the structure and philosophy which guides the work of the department, and to provide information on the department's current strategic business goals.

The Department of Regulation and Licensing is an umbrella agency that provides services to over 20 boards.

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The boards are responsible for the regulation of a wide variety of professions. The department, in addition to providing services to boards, also independently regulates many other professions, occupations or entities.

There are basically three different regulatory activities provided by the boards and the department. They are:

- 1) The application and examination process.
- 2) The clarification of the scope of practice of various types of credentials, including the preparation of administrative rules that govern professional ethics and professional conduct.
- 3) Enforcement.

One of two joint board arrangements in the department is the Examining Board of Professional Geologists, Hydrologists and Soil Scientists that regulates professional geologists, professional hydrologists and professional soil scientists. This joint board is in the Division of Business Licensure and Regulation. The division is divided into two bureaus to allow for more-direct staff service to the boards and for staff to become better acquainted with the issues surrounding each profession.

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The joint board, along with all other boards in the department, sets standards of professional competence and conduct for the profession under its charge; prepares, conducts and grades the examinations of prospective new practitioners; grants licenses; investigates complaints of alleged unprofessional conduct; and performs other functions assigned to it by law. One of the most important departmental responsibilities is to assist the boards in discharging these duties. In addition, the department also:

- Acts as a conduit for professions in their interaction with other state agencies or the governor's office.
- Responds to complaints of unlicensed practice by using the administrative injunction process to effectively take action in unlicensed practice cases.
- Provides services to customers through expanded use of automated telecommunications services and by electronic transmission of information via the Internet.
- Participates in seminars and informational exchanges with professional credential holders and their statewide associations to learn more about the professions and to provide better services.

If you have questions regarding the work of the department or have suggestions on how the department can better provide services to the public or credential holders, you may call (608) 266-3423, to pass along your ideas.

### **Governor Thompson Appoints New Board Members**

On December 23, 1998, Governor Tommy Thompson appointed members to the newly created Examining Board of Professional Geologists, Hydrologists and Soil Scientists.

#### Professional Geologists Section

All members appointed to this Section were previous members on the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors.

Frederick Birts, Milwaukee, has been appointed to the Professional Geologists Section as a public member. Mr. Birts, who is now retired, had been an administrator of Dane County Area Adult and

Continuing Education, Madison Area Technical College.

Thomas Evans, Madison, has been appointed as a professional geologist member. Mr. Evans is a professor with tenure at the University of Wisconsin Extension, Wisconsin Geological and Natural History Survey.

David Mickelson, Madison, has been appointed as a professional geologist member. Mr. Mickelson is a professor at the University of Wisconsin, Department of Geology and Geophysics.

Joan Underwood, Plymouth, has been appointed as a professional geologist member. Ms. Underwood is a hydrogeologist employed at Earth Tech.

#### Professional Hydrologists Section

Stephen Donohue, Green Bay, has been appointed as a professional hydrologist member. Mr. Donohue is the senior technical consultant and a hydrologist for Foth & Van Dyke.

Herbert Garn, Middleton, has been appointed as a professional hydrologist member. Mr. Garn is the Chief of the Hydrologic Studies and Data Section of the U.S. Geological Survey.

Roger Hall, Appleton, has been appointed to the Professional Hydrologists Section as a public member. Mr. Hall is a self-employed attorney.

Robert Karnauskas, Pewaukee, has been appointed as a professional hydrologist member. Mr. Karnauskas is the President and Principal Hydrologist of Natural Resource Technology, Inc.

#### Professional Soil Scientists Section

Tracy Benzel, Mercer, has been appointed as a professional soil scientist member. Mr. Benzel is the consulting soil scientist for Benzel Soil Services.

Wayne Lindgren, Whitewater, has been appointed to the Professional Soil Scientists Section as the public member. Mr. Lindgren is retired.

Patrick McGuire, PhD., Plymouth, has been appointed as a professional soil scientist member. Dr. McGuire is the Senior Scientist and Project Manager at RUST Environment and Infrastructure.

E. Jerry Tyler, Madison, has been appointed as a professional soil scientist member. Mr. Tyler is a professor with the University of Wisconsin, Department of Soil Science. Mr. Tyler is also President of Tyler & Associates, Inc.

## Legislation and Rules

The regulation of professional geologists, professional hydrologists and professional soil scientists may be found in a new chapter of the Wisconsin Statutes, Chapter 470. 1997 Wisconsin Act 300 moved professional geologists from the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors and changed their credential from a “registration” to a “license.” Chapter 470 may be found at the following Web site: <http://www.legis.state.wi.us/rsb/stats.html>

The Examining Board of Professional Geologists, Hydrologists and Soil Scientists has spent many months on the development of new rules that give greater detail for certain provisions in the statutes. Since May 15, 1999, the rules have been in effect as emergency rules. The permanent rules became effective January 1, 2000. The rules may be found at the following Web site: <http://www.legis.state.wi.us/rsb/code/ghss/ghss.html>

The Senate Committee on Economic Development, Housing and Government Affairs requested that the Board consider modifying its rules to permit professionals performing wetland mapping and ordinary high water mark delineation to perform these services without requiring licensure as a professional geologist, hydrologist or soil scientist. The Board determined that the practice of wetland delineation, while within the scope of practice of professional geology, hydrology and soil scientists does not require licensure by any of the sections of the Board. Section GHSS 1.05, Wetlands mapping by non-licensee, was created. The rule states that no license is required for persons publicly or privately engaged in wetland mapping, unless they engage in practices other than wetlands mapping or use the title, advertise or otherwise convey the impression that they are in the practice of professional geology, hydrology or soil science.

The Committee also requested that the Sections allow persons certified as “wetland scientists” by the Society of Wetland Scientists to complete wetland delineations, wetland and water resource permitting, wetland functional assessments, wetland mitigation/restoration design, wetland monitoring using currently-accepted state and federal guidelines. The Board advised the Committee that its legal counsel’s opinion was that the Board does not have the statutory authority to define other practice areas contained in wetland science, or to adopt a certification method to exempt the practice discipline of wetland science.

## Professional Geologist Section

The Geologist Section has prepared and distributed a brochure, entitled *Becoming a Professional Geologist (PG) in Wisconsin: A Student Guide*. The following paragraphs are taken from the brochure:

Anyone who offers to practice or practices geology in Wisconsin must be licensed as a professional geologist (PG) in this state. More than 20 other states also require licensure or registration. The purpose of this regulation is to protect anyone who uses the services of a geologist. It accomplishes this by assuring minimum competency among practicing geologists by enforcing minimum education and experience requirements, setting minimum passing scores on two examinations, and requiring letters that speak to an applicants abilities as a geologist as well as job performance. Licensing is done by the Professional Geologist Section of the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists, which is appointed by the Governor and administered by the Department of Regulation and Licensing. Registration or licensure in a profession is also required for the practice of engineering, hydrology, and soil science.

In addition to being responsible for licensure, the Professional Geologist Section investigates complaints against licensed professional geologists. The Department investigates complaints against persons practicing geology without a license. Areas of overlap allow people in more than one profession to work on certain problems. For example, engineers or hydrologists, or soil scientists might have the knowledge to solve some water problems. Other problems clearly require the expertise of a person from one specific profession. A code of ethics prevents licensed geologists from practicing outside their area of expertise.

Because licensure is not allowed without experience, most beginning geologists practice under the direction of a professional geologist during their first five years. The expectation of many consulting firms is that you will apply for licensure when you meet the experience requirement. At this time you must register or become licensed in each state in which you have significant practice. You will have to apply separately to each state that requires licensure or registration, but if you are registered or licensed in a state that belongs to the National Association of State Boards of Geologists (ASBOG), you will not have to retake the exam.

There are three steps to registration as a professional geologist in Wisconsin: education, experience, and examination.

## **Education**

A bachelor's degree in Geology or equivalent course work, including at least 30 semester hours or 45 quarter hours is required. The course work must include credits in at least 4 of the following areas: geochemistry or geophysics; geologic field methods; geomorphology or glacial geology; hydrology or hydrogeology; mineralogy; petrology or petrography; stratigraphy or sedimentology; and structural geology. Courses in other areas of geology may be included to make up the 30 credits. You will need to submit official transcripts of all college course work that you have taken.

## **Experience**

Five years of professional experience doing geology (not just associated activities) are required to apply for registration. Two of those years must be under the supervision of a licensed professional geologist in Wisconsin. If you are registered or licensed in another state when applying, then two years of supervised experience may be under the supervision of a registered or licensed professional geologist in another state. Working part time while attending school is not considered as part of the work experience, nor is summer work done before the bachelor's degree. Graduate degrees allow a one year (total) reduction in the experience requirement.

If you have experience, but not under the supervision of a licensed professional geologist, peer review is another option for licensure. This requires an extra year of experience and certification from three practicing geologists familiar with the applicant's work that the candidate meets qualifications for professional licensure in Wisconsin.

Both options also require references from five individuals, three of whom are competent to evaluate your ability and past performance. One person must be a professional geologist in Wisconsin or, if you are already licensed or registered in another state, a licensed or registered professional geologist from that state.

## **Examinations**

Wisconsin uses two national exams, as do most other states with licensure or registration. One is an exam that covers fundamentals of geology and the other is the principles and practice exam. Members of the Professional Geologist Section

assist in composing these exams every year. Passing scores represent minimum competency as determined by regulators from across the country. The distribution of subject areas is based on a national survey of professional geologists. Details of the breakdown of subject areas and sample exam questions can be seen at the ASBOG web site ([www.asbog.org](http://www.asbog.org)).

### **Fundamentals Exam**

To qualify to take this exam, you must be a second semester senior with at least 24 semester (36 quarter) geology credits completed. The exam is multiple choice, with about 110 questions. We recommend taking this exam during your senior year or soon after graduation because it contains material similar to what is covered in undergraduate classes. It is a closed-book exam.

### **Principles and Practice Exam**

To qualify to take this exam, you must meet the educational and experience requirements for licensure except that the length of experience required to take the exam is one year less than that required for actual licensure. This exam concentrates on solving problems similar to those you might encounter in professional geological practice.

Both ASBOG exams ([www.asbog.org](http://www.asbog.org)) are administered by Continental Testing (1-800-717-1201). Applicants can call this number to obtain test information as well as to register for the exam. Exams are offered in Spring (March 17, 2000) and Fall (September 15, 2000), in Madison. You must sign up by January 27, 2000 for the March exam. (Received, not just postmarked). The cost is \$256 for each exam or \$450 if both exams are taken at the same time. NOTE: The exam dates change slightly every year.

Need more information? The Wisconsin Professional Geologist Section's licensing requirements may be found at: <http://badger.state.wi.us:80/agencies/drl/Regulation/html/dod1058.html>

### **Professional Hydrologist Section**

To better understand the license application process and some of the issues that relate to licensure, you may be interested in the following excerpts from a letter that Secretary Marlene Cummings sent to a State Senator:

I have asked my staff to prepare the enclosed statistics on the number of applications received by the Section, the number of licenses granted, the number of license denials without a hearing and the number of denials following a hearing. I also reviewed the policy and procedural issues relating to the applications for hydrology licenses, and have reached a number of conclusions that, ultimately, convince me that the Section has been fair and objective in processing these applications.

The following considerations have a significant impact on the applications for hydrology licenses:

1. The applications reviewed by the Section thus far were submitted while the grandfather clause was still in effect and they have been reviewed under the grandfather clause. No other applications will fall under the grandfather clause. One aspect of the grandfather clause is that it requires the applicant to have a bachelor's degree with hydrology-related course work. This requirement cannot be waived.
2. The Section has been encouraged to be as liberal as possible when reviewing the course work of applicants. However, there are some applicants who fall into a category that might be referred to as aquatic biologists. Their course work is too narrow to satisfy the hydrology requirements. Nor have the experiences of some of these applicants after graduation been in the areas of work that are typically designated as hydrological in nature. Some of these people, such as soil testers, water testers, wetland delineation specialists, have been encouraged by some of their peers to apply for a hydrology license, even though they really are not practicing hydrology and are not qualified to do so.
3. Some applicants have not thoroughly listed and explained all of their work experiences. In some cases they did provide more information at a hearing and they were able to convince the Section that they qualified for a license.

In conclusion, I believe that the Professional Hydrologist Section has done a very good job of reviewing applications. The Section has spent many hours reviewing applications and conducting hearings. The Section's proposed

administrative rules have been reviewed by legislative committees and by the Joint Committee for Review of Administrative Rules (JCRAR). It is helpful to note that JCRAR did extend the emergency rules after reviewing the objections of one or other group that feels disenfranchised by the new statutes and rules. Applicants who were denied a license for insufficient experience do have another alternative, that is, to take the licensing exam. All future applicants will be required to take and pass the exam, because no more applications will fall under the grandfather provision. Applicants will always have an opportunity for a hearing and a chance to provide as much information as possible to the Section.

#### Professional Hydrologists Current Licensing Statistics

Total licenses issued – 180

Total licenses denied – 133

Hearings held – 26

Licenses granted after hearing – 14

Hearings scheduled to be held – 11

#### **Professional Soil Scientist Section**

The Soil Scientist Section spent many hours reviewing applications. At this time all applications submitted under the grandfather clause have been processed. Fortunately, the Section did not have to develop an examination. The Council of Soil Science Examiners already had a valid and reliable exam and the Soil Scientist Section was able to tap into that exam process.

#### **Licensing Exams**

Applicants for a professional geologist license must pass an exam prepared and administered by ASBOG, applicants for a professional hydrologist license must take an exam prepared by the Professional Hydrologist Section, and applicants for a professional soil science license must pass an exam prepared and administered by the Council of Soil Science Examiners.

#### **Licensing Statistics**

(As of February 7, 2000)

Licensed Professional Geologists	1087
Licensed Professional Hydrologists	184
Licensed Professional Soil Scientists	187

Department of Regulation and Licensing  
Examining Board of Professional Geologists,  
Hydrologists and Soil Scientists  
P.O. Box 8935  
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## Telephone Directory

The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

**(608) 266-5511**

After dialing this number you are asked to press various extensions. For the following requests, please press numbers as noted:

<b>Applications Forms</b>	<b>Press 11</b>
<b>Complaints Against Licensees</b>	<b>Press 12</b>
<b>Application Processing &amp; Requirements</b>	<b>Press 42</b>
<b>Whether A Person is Licensed</b>	<b>Press 442</b>

## Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>  
Send comments to [dorl@drl.state.wi.us](mailto:dorl@drl.state.wi.us)

## Copies of Regulatory Digest on the Web

See the Web site listed above.

## Wisconsin Statutes and Code

The joint board has prepared a booklet dated January 2000, entitled Wisconsin Statutes and Administrative Code Relating to the Regulation of Professional Geologists, Professional Hydrologists and Soil Scientists. The booklet will be mailed to geologists licensed on or after January 1, 1999, and to all licensed professional hydrologists and soil scientists. It will also be provided to future applicants for licensure. Others may order the booklet from the Department. They should include their name, address, county and a check payable to the Department of

Regulation and Licensing in the amount of \$5.28 per booklet.

## Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

**WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

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